

STATE OF MONTANA TERM CONTRACT

Department of Administration
State Procurement Bureau
165 Mitchell Building
PO Box 200135
Helena, MT 59620-0135
Phone: (406) 444-2575 Fax: (406) 444-2529
TTY Users-Dial 711
<http://www.discoveringmontana.com/doa/gsd>

T.C. #: MA 2017
DHL EXPRESS (USA), INC.
WESTERN STATES CONTRACTING ALLIANCE
Title: SMALL PACKAGE DELIVERY SERVICES
This is an exclusive contract.

CONTRACT TERM	FROM	March 1, 2007	CONTRACT STATUS	NEW (X)
	TO	August 27, 2007		RENEW ()
VENDOR ADDRESS	DHL Express (USA), Inc 1201 South Fern Street Arlington, VA 22202		ORDER ADDRESS	See DHL Website: http://www.dhl-usa.com/wsca
ATTN:	Aaron Weaver		ATTN:	SAME
PHONE:	(703) 944-2345		PHONE:	SAME
FAX:	(703) 413-2095		FAX:	SAME
E-MAIL:	Aaron.Weaver@dhl.com		E-MAIL:	SAME

PRICES: PER WSCA MASTER CONTRACT or DHL WSCA Website

DELIVERY: PER WSCA MASTER CONTRACT

F.O.B.: N/A

TERMS: Net 30 days

REMARKS: "Small Package" is generally defined as packages up to 150 lbs and up to 119" in length plus girth. DHL also offers hundredweight pricing for shipments weighing more than 150 lbs. See link on term contract website for rates in pounds.

IFB/RFP No.: DR6917(Utah)

Robert Oliver, CONTRACTS OFFICER

DATE:

AUTHORIZED SIGNATURE

This document represents an overview of the Western States Contracting Alliance Small Package Delivery Services contract. This document is not intended to replace or append the contract, rather to provide an overview and summary of the agreement.

1.0 BACKGROUND

The State of Montana is a member of the Western States Contracting Alliance (WSCA), which establishes the means by which participating states may join together in cooperative multi-state contracting in order to achieve cost-effective and efficient acquisition of quality products and services. This contract is a result of a cooperative procurement conducted by the State of Utah on behalf of WSCA.

1.1 PURPOSE

The purpose of this contract is to provide state agencies, and all registered cooperative-purchasing organizations, (herein after referred to as agencies) with a means of obtaining Small Package Delivery Services covering inbound (*inbound services can be used at the ordering agencies discretion*) and outbound intrastate, interstate domestic express, ground and international services, as specified in the WSCA Master Contract and the attached participating addendum.

1.2 EXCLUSIVE CONTRACT

The intent of this contract is to provide state agencies with a means of procuring small package delivery services. This contract is considered to be an "Exclusive" use contract and state agencies must obtain the specified product/service from the contract holder(s), unless the contract allows otherwise. However, the State Procurement Bureau does not guarantee any minimum usage totals and it is the individual agency's responsibility to comply with the terms of the contract. The University System, at its discretion, has optional use of this exclusive contract.

1.2.1 Exceptions. State agencies will need to submit an exception request to the State Procurement Bureau stating their reasons for not using this term contract. This request shall state the specific reason(s) the agency cannot utilized the services of the named contractor.

2.0 LIAISON

The primary Contractor contact for this participating addendum is as follows:

DHL Express (USA), Inc.
1201 South Fern Street
Arlington, VA 22202
Attn: Aaron Weaver
E-mail: Aaron.Weaver@dhl.com
Phone: 703-944-2345
Fax: 703-413-2095

State Liaison:

Robert Oliver
State of Montana, State Procurement Bureau
125 N. Roberts Street, Mitchell Building, Room 165
Helena, MT 59620-0135
Phone: (406) 444-0110
Fax: (406) 444-2529
E-mail: roliver@mt.gov

3.0 TERM OF CONTRACT

The contract is effective from March 1, 2007 through August 27, 2007. This contract may be mutually extended for four additional one-year renewal periods.

4.0 PRICING

For current pricing, please see the following website: <http://www.dhl-usa.com/wsca>

5.0 CONTRACT

The entire contract can be found at the following website:
http://www.aboutwsca.org/contracts/small_package.cfm

**WESTERN STATES CONTRACTING ALLIANCE
PARTICIPATING ADDENDUM
FOR SMALL PACKAGE DELIVERY SERVICES
Between
The State of Montana and DHL Express (USA), Inc.**

This Participating Addendum (PA) will add the State of Montana as a Participating State to purchase from the WSCA Price Agreement, Number MA 2017, with DHL Express (USA), Inc.

1. Scope: This addendum covers Small Package Delivery Services for State Agencies and political subdivisions.

2. Changes:

REPORTING: Contractor shall provide the State of Montana utilization reports for its shipping activity during same date periods within this section. These reports shall be provided in the same format to Primary Contact listed in this PA.

GOVERNING LAW: This Participating Addendum (PA) is governed by the laws of Montana. The parties agree that any litigation concerning this PA must be brought in the First Judicial District in and for the County of Lewis and Clark, State of Montana and each party shall pay its own costs and attorney fees. (See section 18-1-401, MCA.)

AUDIT OF RECORDS: Contractor agrees to provide the Department, the Legislative Auditor or their authorized agents access to any records necessary to determine contract compliance. Contractor agrees to create and retain all records supporting the products and services rendered for a period of three (3) years after either the completion date of this contract or the conclusion of any claim, litigation or exception relating to this contract taken by the State of Montana or a third party. Reference: 18-1-118, MCA.

3. Additions:

Compliance with Workers' Compensation Act. The Contractor is required to supply the State of Montana, State Procurement Bureau with proof of compliance with the Montana Workers' Compensation Act while performing work for the State of Montana. (Mont. Code Ann. §§ 39-71-120, 39-71-401, and 39-71-405.) Neither the Contractor nor its employees are employees of the State. The proof of insurance/exemption must be in the form of workers' compensation insurance, an independent contractor exemption, or documentation of corporate officer status and must be received by the State Procurement Bureau, P.O. Box 200135, Helena, MT 59620-0135.

Purchasing Card. The State of Montana has a Purchasing Card Program in place that gives agencies the ability to charge purchases made from these contracts. The State of Montana prefers this method of payment.

Assignment, Transfer and Subcontracting: The contractor shall not assign, transfer or subcontract any portion of the addendum without the express written consent of the department. (Mont. Code Ann. § 18-4-141.)

Registration with the Secretary of State: Any business intending to transact business in Montana must register with the Secretary of State. Businesses that are incorporated in another state or country, but which are conducting activity in Montana, must determine whether they are transacting business in Montana in accordance with sections 35-1-1026 and 35-8-1001, MCA. Such businesses may want to obtain the guidance of their attorney or accountant to determine whether their activity is considered transacting business. If businesses determine that they are transacting business in Montana, they must register with the Secretary of State and obtain a certificate of authority to demonstrate that they are in good standing in Montana. To obtain registration materials, call the Office of the Secretary of State at (406) 444-3665, or visit their website at <http://www.sos.state.mt.us>.

4. Primary Contact: The primary state government contact for this participating addendum is as follows:

Robert Oliver
State of Montana, State Procurement Bureau
125 N. Roberts Street, Mitchell Building, Room 165
Helena, MT 59620-0135
Phone: (406) 444-0110
Fax: (406) 444-2529
E-mail: roliver@mt.gov

5. Contract Number: The contract number for the Participating State is MA 2017.

This participating addendum and the WSCA Master Price Agreement, Number MA 2017 , (administered by the State of Utah) together with its exhibits, set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. Terms and conditions inconsistent with, contrary or in addition to the terms and conditions of this Addendum and the Master Contract, together with its exhibits, shall not be added to or incorporated into this Addendum or the Master Contract and its exhibits, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Addendum and the Master Contract and its exhibits shall prevail and govern in the case of any such inconsistent or additional terms.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

State of Montana

DHL Express (USA), Inc.

By: _____

By:_____

Name:_____

Name:_____

Title: _____

Title:_____

Date:_____

Date:_____